THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 11188 of 2007

Date: 24.07.2007

Between:

R. Swamy.

.....PETITIONER

AND

The Andhra Pradesh Central Power Distribution Company Limited (APCPDCL) Singareni Bhavan, Red Hills, Hyderabad rep. by its Chairman and Managing Director and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 11188 of 2007

Order:

Questioning the action of the respondents in not considering the case of the petitioner for appointment as Junior Lineman on the ground that he was over-aged at the time of his initial engagement as casual labour/Village Electricity Worker, the present writ petition is filed.

2. When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the orders of the apex Court in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, wherein the apex Court considered similar issue and disposed of the Civil Appeals with the following observations.

> "In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon

> eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.

3. Since the petitioner was said to be over aged as on the date of his initial appointment, having regard to the judgment of the Apex Court in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, the relief prayed for by the petitioner for relaxation of his age in the matter of appointment cannot be granted.

4. Hence, the Writ Petition is dismissed. No costs.

_____

N.V. RAMANA, J.

Date: 24.07.2007

sj